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131326Z Jun 05

C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001028

SIPDIS

DEPT FOR EUR/CACEN, IO

E.O. 12958: DECL: 06/12/2014

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SUBJECT: VENICE COMMISSION'S HARSH WORDS ON CONSTITUTION
SPARK REACTION -- BUT IS IT ENOUGH?

Classified By: DCM A.F. Godfrey for reasons 1.4 (b,d).

SUMMARY

1. (C) Venice Commission Secretary Gianni Buquicchio ended his early June visit to Armenia with the strongest calls to date for deeper reforms in the constitutional amendments package currently being discussed by the National Assembly. Buquicchio reiterated a May 27 release from the Council of Europe (CoE) expressing "deep dissatisfaction" with the current draft and even made veiled threats that the CoE would curtail funding for Armenia if it failed to implement the reforms suggested by Venice Commission experts earlier this year. Buquicchio's comments sparked reactions from President Robert Kocharian and NA Speaker Arthur Baghdasaryan. Despite making the right noises about much-needed reforms in the areas of judicial independence and the selection process for Yerevan's mayor, GOAM officials need to move the dialogue to the public and make themselves accountable for these changes. Buquicchio was mostly pessimistic and stuck on the point that CoE "sanctions" were a real possibility. He confided to us that, of all the GOAM leaders with whom he met during this visit, he was most optimistic about Baghdasaryan's ability to push through these reforms. End Summary.

BUQUICCHIO: "DEEPLY DISSATISFIED" WITH DRAFT

2. (C) Venice Commission Secretary Gianni Buquicchio ended his early June visit to Armenia with the strongest calls to date for deeper reforms in the constitutional amendments package currently being discussed by the National Assembly. During public meetings with NGOs, diplomatic missions and reporters, he said that the Commission was compiling edits to the current draft that he classified as "serious changes." Buquicchio reiterated a May 27 release from the Council of Europe (CoE) expressing "deep dissatisfaction" with the current draft and even made veiled threats that the CoE would curtail funding for Armenia if it failed to implement the reforms suggested by Venice Commission experts earlier this year. Most of Buquicchio's concerns stemmed from the generous powers afforded to the President in the current draft constitution. He referred specifically to reservations about the President's ability to appoint the head of the Council of Justice and the need to classify Yerevan's mayorship as an elected position. (Note: We were somewhat surprised that Buquicchio did not talk at length about the issue of legislative approval of the Prime Minister, and we will therefore continue to raise this issue with CoE representatives. End Note.) Buquicchio told us that he suspected that the GOAM had understood the possible ramifications if the CoE does not feel that the new constitution complies with European standards. He was pessimistic, however, about whether or not the GOAM could deliver the necessary changes in advance of the projected referendum.

KOCHARIAN AND BAGHDASARYAN MAKE THE RIGHT NOISES...

3. (C) GOAM officials were quick to go on record as having heard the Commission's recommendations. Reacting to Buquicchio's statements, both President Robert Kocharian and NA Speaker Arthur Baghdasaryan held press interviews regarding the amendments. Kocharian said he agreed in theory with the Commission's critiques (specifically those regarding Yerevan's mayor), but qualified his comments by saying that "the states of the South Caucasus need strong leaders." Baghdasaryan, who had until now been relatively quiet on the subject, went even further than Kocharian and committed publicly to comply with the Venice Commission's recommendations. Baghdasaryan's pledge to rectify the amendments package even elicited the praise of long-time detractor, opposition MP Aram Sargsyan.

COMMENT:...BUT ACTIONS SPEAK LOUDER THAN WORDS

14. (C) NA Deputy Speaker Tigran Torosyan, who leads the GOAM's effort on constitutional reform, continues to exercise his tight grip on the current process. He still believes that the "experts" should handle the drafting and editing process before inviting the general public to a debate on the issue. Buquicchio's statements, and the surprising public engagement of Kocharian and Baghdasaryan on the issue, may have opened a space in which civil society can operate and push elected officials to make these reforms. If they are to make good on their promises, Kocharian and Baghdasaryan will have to push Torosyan and others to invite the public into the discussion through roundtables, media events and public dissemination of the draft amendments. Buquicchio confided to us that, of all the GOAM officials with whom he met, he was most enthusiastic about Baghdasaryan's ability to push for these changes. We will press Baghdasaryan on the issue as he prepares for a Voluntary Visitor program in Washington later this summer. We at Post are supporting a number of implementers -- some of whom have designed specific programs -- who are committed to raising the volume on this issue.

EVANS